

REQUEST FOR COUNCIL ACTION

MEETING
11-3-03

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AGENDA SECTION: PUBLIC HEARING	ORIGINATING DEPT: PLANNING	ITEM NO. E-7
ITEM DESCRIPTION: Final Plat #03-37 to be known as Villas on the Parkway CIC 239		PREPARED BY: Mitzi A. Baker, Senior Planner

October 30, 2003

Staff Recommendation:

Staff recommends the following conditions/modifications:

- Prior to recording the final plat documents, the owner must dedicate a 30 foot wide pedestrian facilities easement, as shown on the Grading Plan. This easement shall be dedicated and recorded prior to recording the Final Plat document and shall be identified on the face of the Plat.*
- The Final Plat Documents shall include dedication of controlled access along the entire frontage of West River Parkway, except for the approved private street opening.*
- Prior to recording the final plat documents, the E911 Addressing and GIS Impact fee's shall be paid as specified in the attached memorandum from the Planning Department GIS/Addressing staff dated October 27, 2003.*
- Prior to recording the final plat documents, parkland dedication requirements shall be met via payment of cash in lieu of land in the amount of \$23,400.*
- The owner is obligated to construct turn lanes off of West River Parkway NW at the location of the public street shown to West River Parkway NW. The owner is also responsible for the proportional share of the cost of the reconstruction of 3rd Avenue NW adjacent to the property.

Council Action Needed:

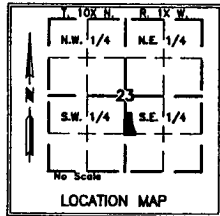
- If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution with findings supporting their decision.*

Distribution:

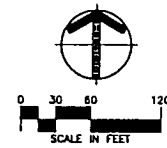
- City Attorney
- Planning Department File
- Applicant: This item will be considered sometime after 7:00 p.m. on Monday November 3, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.
- Yaggy Colby Associates

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

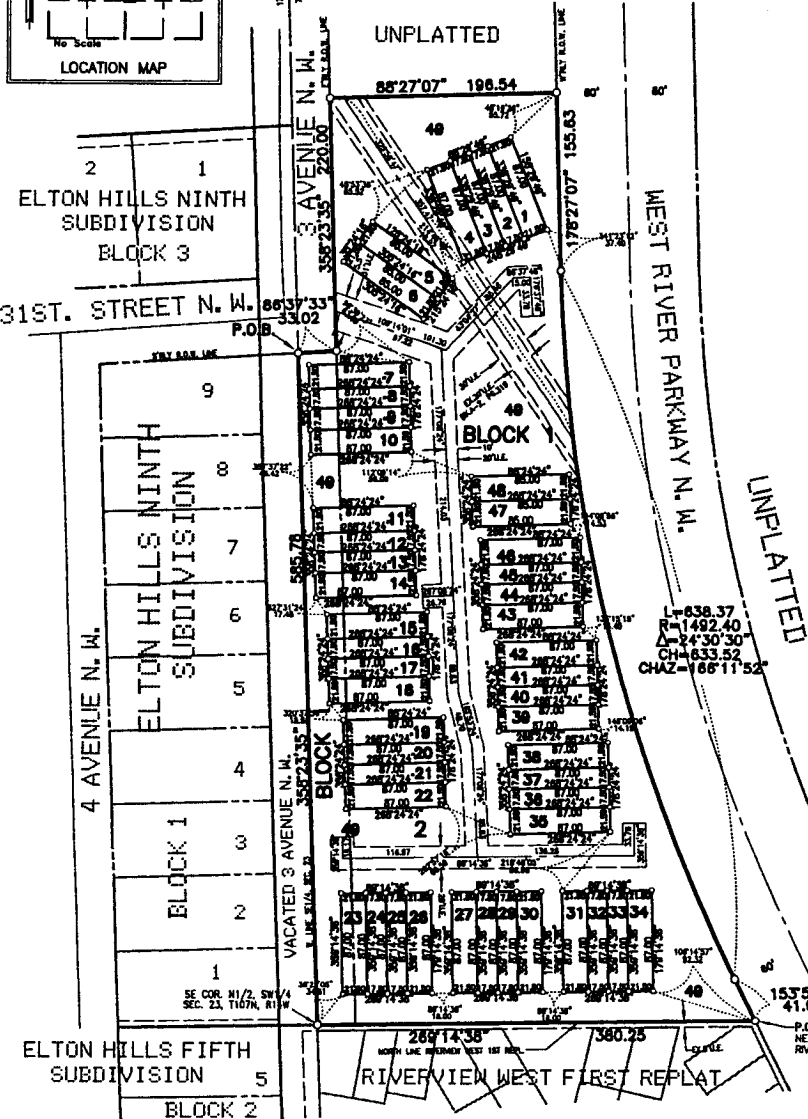




VILLAS ON THE PARKWAY COMMON INTEREST COMMUNITY NUMBER 239



YAGGY COLBY
ASSOCIATES
212 THIRD AVENUE SOUTHEAST
ROCHESTER, MINNESOTA 55901
507 336-6444
FAX 507 336-2224
BANK: WELLS FARGO BANK



INSTRUMENT OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That DLT Partners, LLC, a Minnesota Limited Liability Company, mortgagee, and Merchants National Bank of Rochester, mortgagee, both being owners and proprietors of the following described property situated in the County of Olmsted, State of Minnesota, to wit:

That part of Northwest Quarter of the Southeast Quarter of Section 23, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Beginning at the northeast corner of RIVERVIEW WEST FIRST REPLAT, according to the plat thereof on file at the County Recorder's office, Olmsted County, Minnesota; thence westerly on an assumed azimuth from grid north of 289 degrees 14 minutes 38 seconds along the north line of said RIVERVIEW WEST FIRST REPLAT 360.25 feet to the west line of said Southeast Quarter; thence northerly 358 degrees 23 minutes 35 seconds azimuth along said west line 585.78 feet to the southerly right-of-way line of 31st Street N.W.; thence easterly 86 degrees 37 minutes 33 seconds azimuth along said southerly right-of-way line 33.02 feet to the easterly right-of-way line of Third Avenue N.W.; thence northerly 358 degrees 23 minutes 35 seconds azimuth along said easterly right-of-way line 220.00 feet; thence easterly 86 degrees 27 minutes 07 seconds azimuth 198.54 feet to the westerly right-of-way line of West River Parkway N.W.; thence southerly 178 degrees 27 minutes 07 seconds azimuth along said westerly right-of-way line 155.63 feet; thence southerly 638.37 feet along said westerly right-of-way line on a tangential curve concave easterly, having a radius of 1482.40 feet and a central angle of 24 degrees 30 minutes 30 seconds; thence southeasterly 153 degrees 56 minutes 37 seconds along said westerly right-of-way line 41.07 feet to the point of beginning.

Said tract contains 4.83 acres more or less.

Have caused the same to be surveyed and plotted as VILLAS ON THE PARKWAY COMMON INTEREST COMMUNITY NUMBER 239 and do hereby dedicate the easements as shown on this plat for utility purposes only.

In witness whereof, said DLT Partners, LLC, a Minnesota Limited Liability Company, has caused these presents to be signed by its proper officer this _____ day of _____, 20____.

Dave Randall Lonney Hickey Todd Robertson

STATE OF MINNESOTA
COUNTY OF OLMSTED

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Dave Randall, Lonney Hickey and Todd Robertson on behalf of DLT Partners, LLC, a Minnesota Limited Liability Company, on behalf of the company.

Notary Public, Olmsted County, MN
My Commission Expires _____

In witness whereof, said Merchants National Bank of Rochester, has caused these presents to be signed by its proper officer this _____ day of _____, 20____.

By: _____
Its: _____
STATE OF MINNESOTA
COUNTY OF OLMSTED

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, on behalf of Merchants National Bank of Rochester.

Notary Public, Olmsted County, MN
My Commission Expires _____

BEARINGS

Directions shown are azimuths measured to the right from an assumed Grid North.

MONUMENTS

- Set 1/2" Rebars
 - Set 3/4" Iron Pipes
 - Found Monuments (Pipe, Rod, Etc.)
- All monuments set have a plastic cap stamped L.S. 41887.

STATE OF MINNESOTA
COUNTY OF OLMSTED
CITY OF ROCHESTER

I, Judy K. Scherr, City Clerk, in and for the City of Rochester, do hereby certify that on the _____ day of _____, 20____, the accompanying plat was duly approved by the Common Council of the City of Rochester. In testimony whereof, I have here signed my name and affixed the Seal of said City of Rochester this _____ day of _____, 20____.

Judy K. Scherr
City Clerk

COUNTY SURVEYOR

I certify that this plat has been checked mathematically and that the plat conforms to applicable plotting laws.
This _____ day of _____, 20____.

Edward P. Kulak
Olmsted County Surveyor

SURVEYOR'S CERTIFICATE

I do hereby certify that I have surveyed and plotted the property described on this plat as VILLAS ON THE PARKWAY, COMMON INTEREST COMMUNITY NUMBER 239; that this plat is a correct representation of said survey; that all distances are correctly shown on said plat in feet and hundredths of a foot; that all monuments have been correctly placed in the ground as shown or will be correctly placed in the ground as designated by October 18, 2004, that the outside boundary lines are correctly designated; and that there are no waterfalls as defined in MS 505.02, Subd. 1, or public highways to be designated on said plat other than as shown.

Peter G. Ostler
Minnesota L.S. No. 41887

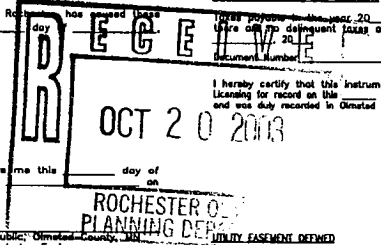
STATE OF MINNESOTA
COUNTY OF OLMSTED

The foregoing Surveyor's Certificate was acknowledged before me this _____ day of _____, 20____, by Peter G. Ostler, L.S. No. 41887.

Notary Public, Olmsted County, MN
My Commission Expires _____

PROPERTY RECORDS AND LICENSING

These presents were on the _____ day of _____, 20____, on the land herein described have been paid, were duly acknowledged, indexed and transfer has been entered this _____ day of _____, 20____.



I hereby certify that this instrument was filed in the Office of Property Records and Licensing for record on this _____ day of _____, 20____, at _____ o'clock _____ M.

Olmsted County Director of
Property Records and Licensing
By: _____ Deputy

UTILITY EASEMENT DEFINED

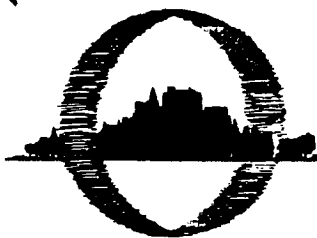
An unobstructed easement for the construction and maintenance of all necessary overhead, underground or surface public utilities, including rights to conduct drainage and trimming on said easement.

U.E. = UTILITY EASEMENT

A utility easement is granted over all of Lot 49, Block 1.

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ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: Rochester Common Council

FROM: Mitzi A. Baker, Senior Planner

DATE: October 30, 2003

RE: Final Plat #03-37, by DLT Partners LLC to be known as Vilas on the Parkway CIC 239. The Plat proposes to subdivide approximately 4.83 acres of land into 48 lots for townhome development and one common lot. The property is located west of West River Parkway NW, east of 3rd Ave. NW.

Planning Department Review:

Applicant/Owner: DLT Partners LLC
4183 NW Arboretum Dr. NW
Rochester, MN 55901

Surveyors/Engineers: Yaggy Colby Associates
717 3rd Ave SE
Rochester, MN 55904

Report Attachments:

1. Referral Comments
2. Location Map
3. Copy of Final Plat

Plat Data:

Zoning: The property is zoned R-2 (Low Density Residential).

Proposed Development: This plat proposes to subdivide approximately 4.83 acres of land into 48 lots for townhome development and one common lot. The development will be served by a private road system, with access to West River Parkway.

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Planning Staff and Recommendation:

No preliminary plat was required for this Plat. There are no new public roadways and no connections to adjacent properties.

Staff would recommend approval subject to the following conditions:

1. ***Prior to recording the final plat documents, the owner must dedicate a 30 foot wide pedestrian facilities easement, as shown on the Grading Plan. This easement shall be dedicated and recorded prior to recording the Final Plat document and shall be identified on the face of the Plat.***
2. ***The Final Plat Documents shall include dedication of controlled access along the entire frontage of West River Parkway, except for the approved private street opening.***
3. ***Prior to recording the final plat documents, the E911 Addressing and GIS Impact fee's shall be paid as specified in the attached memorandum from the Planning Department GIS/Addressing staff dated October 27, 2003.***
4. ***Prior to recording the final plat documents, parkland dedication requirements shall be met via payment of cash in lieu of land in the amount of \$23,400.***
5. ***The owner is obligated to construct turn lanes off of West River Parkway NW at the location of the public street shown to West River Parkway NW. The owner is also responsible for the proportional share of the cost of the reconstruction of 3rd Avenue NW adjacent to the property.***



ROCHESTER PARK AND RECREATION DEPARTMENT
201 FOURTH STREET SE
ROCHESTER MINNESOTA 55904-3769
TELE 507-281-6160
FAX 507-281-6165

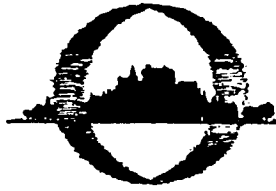
MEMORANDUM

DATE: October 22, 2003
TO: Jennifer Garness
Planning
RE: Villas on the Parkway CIC 239
Final Plat #03-37

Acreage of plat.....	10.16 a
Number of dwelling units.....	48 units
Density factor.....	.0244
Dedication	1.17 a
Fair market value of land.....	\$20,000 /a

The Park and Recreation Department recommends that dedication requirements be met via: Cash in lieu of land in the amount of \$23,400 with payment due prior to recordation of the final plat.

OCT 29



COUNTY OF
Olmsted



Rochester-Olmsted Planning Department
GIS/Addressing Division
2122 Campus Drive SE
Rochester, MN 55904-4744
Phone: (507) 285-8232
Fax: (507) 287-2275

PLAT REFERRAL RESPONSE

DATE: October 27, 2003

TO: Jennifer Garness

FROM: Randy Growden
GIS/Addressing Staff
Rochester-Olmsted County
Planning Department

CC: Pam Hameister, Wendy Von Wald; Yaggy Colby &
Assoc.

RE: **VILLAS ON THE PARKWAY**
COMMON INTEREST COMMUNITY #239
FINAL PLAT #03-37

UPON REVIEW OF THIS PLAT THE FOLLOWING FEES ARE REQUIRED TO BE PAID BEFORE THE PLAT IS RECORDED. THIS APPLIES TO ALL PLATS RECORDED ON OR AFTER JUNE 1, 2003.

E911 ADDRESSING FEE: \$960.00 (48 LOTS/ADDRESSES)

GIS IMPACT FEE: \$445.00 (49 LOTS/OUTLOTS)

Notes: 1. Additional E911 Addressing fees may be required upon Site Plan review.
2. Final Plats must be legally recorded before request for address Applications are submitted to E911 Addressing Staff-Rochester/Olmsted County Planning Dept.

A review of the **final plat** has turned up the following **ADDRESS** or **ROADWAY** related issues:

1. Upon review of **VILLAS ON THE PARKWAY FINAL PLAT #03-37** the GIS / Addressing staff has found no issues to bring forth at this time.

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Minnesota Department of Transportation

Minnesota Department of Transportation - District 6

Mail Stop 060
2900 48th Street N.W.
Rochester, MN 55901-5848

Office Tel: 507-280-2913

Fax: 507-285-7355

E-mail: dale.maul@dot.state.mn.us

October 23, 2003

Jennifer Garness
Rochester-Olmsted Planning Department
2122 Campus Drive SE – Suite 100
Rochester, MN 55904

RE: Type I Amendment to Performance Residential Development #01-16 by Stonebridge Development & Acquisition, LLC for the development of a townhome development with a density of 8.42 units per acre.
US Highway 52, CS 5508



Final Plat #03-37, by DLT Partners to be known as Vilas on the Parkway CIC 239.
US Highway 52, CS 5508

Dear Ms. Garness:

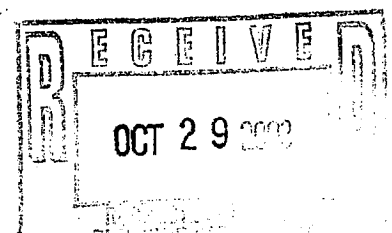
The Minnesota Department of Transportation (Mn/DOT) has reviewed the above proposals. We remind the City of Rochester that Mn/DOT cannot address growing capacity and access needs for US Highway 52 from new development beyond what is currently in the plans for ROC 52. Mn/DOT encourages the City of Rochester to manage traffic with internal street connections to reduce impacts for both City streets and for Mn/DOT roadways.

Thank you for the opportunity to comment on these proposals. Please contact Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777 with any questions you may have.

Sincerely,

A handwritten signature in cursive script, likely belonging to Dale E. Maul.

Dale E. Maul
Planning Director





we pledge. we deliver

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DATE: October 22, 2003

TO: Jennifer Garness, Planning Dept.
Rochester-Olmsted Planning Dept.

FROM: Michael J. Engle, Supv. of Distribution Design
Rochester Public Utilities
280-1579

SUBJECT: Final Plat #03-37, by DLT Partners LLC to be known as Villas on the Parkway CIC 239. The Plat proposes to subdivide approximately 4.83 acres of land into 48 lots for townhome development and one common lot. The property is located west of West River Parkway NW, east of 3rd Ave. NW.

RPU's Operations Division review of the above-referenced final plat is complete and our comments follow:

1. Additional utility easements may be required for electrical distribution facilities.

Sincerely,

la
c. DLT Partners, LLC
Yaggy Colby Associates

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**Rochester Building
Safety Department**

Memo

To: Jennifer Garness, Planning Department

From: Kenneth Heppelmann

CC: Gary Schick, Plumbing Inspector
Mark Sparks, Electrical Inspector
DLT Partners, LLC
Yaggy Colby Associates

Date: October 24, 2003

Re: Final Plat #03-37, by DLT Partners, LLC to be known as Vilas on the Parkway CIC 239

The above referenced development appears to indicate new construction that is regulated under the Building Code and will require building permits. Complete plans and specifications are required to be submitted for a building permits prior to construction.

The proposed construction appears to consist of attached single-family dwellings (townhomes) on separate lots with property lines between the units. Please verify the following items:

- Separate utility services (i.e. sewer, water, gas, electric, etc.) are required to be provided to each dwelling unit. The utilities are not permitted to encroach onto or through the adjacent lots.
- The dwelling units are required to be separated with fire resistive rated wall assemblies in accordance with the 2000 IRC, Section 321.2.
- The fire resistive rating of exterior walls, and projections from such walls, with a fire separation distance of less than three feet is required to comply with IRC Section 302.1.

Please let me know if you have any questions or concerns.

Thank you

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— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 10/23/03

The Department of Public Works has reviewed the application for FP#03-37 for the proposed Villas on the Parkway development. The following are Public Works comments on this request:

1. A Development Agreement has been executed for this Property.
2. A City-Owner Contract has been executed for this Property.
3. Dedication of a 30 foot wide pedestrian facilities easement is required as shown on the Grading Plan. This easement should be dedicated and recorded prior to the Final Plat so that it can be shown on the recorded plat as an existing easement.

Charges/fees applicable to the development of this property are addressed in the Development Agreement and City-Owner Contract and include (rates below are current through 7/31/04):

- ❖ Water Availability Charge @ \$1851.12 per developable acre
- ❖ Sewer Availability Charge (SAC) @ \$1851.12 per developable acre.
- ❖ Sanitary Sewer & Watermain Connection Charge @ \$81.86 per foot along the frontage of 3rd Ave NW
- ❖ Substandard Street Reconstruction Charge @ \$34.59 per foot of frontage along 3rd Ave NW
- ❖ Storm Water Management – TBD, based on the Land Use factor (LUF) for the proposed development x the base rate of \$2,286.96 per acre.
- ❖ Street Signs – As determined by the City Engineer

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